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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,658	03/23/2004	Joshua M. Girvin	3703.1000-001	1153
21005	7590	09/16/2005	EXAMINER	
HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133			LEE, BENJAMIN C	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/806,658

Applicant(s)

GIRVIN ET AL

Examiner

Benjamin C. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/28/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/28/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Detail Office Action

Claim Status

1. Claims 1-32 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5-6, 8, 17-19, 21-22 and 24 are rejected under 35 USC § 102(e) as being anticipated by Mosher, Jr. et al. (US 2003/0173408A1).

1) Regarding claim 1:

Mosher, Jr. et al. discloses various features including the claimed: a non-reusable (Abstract, lines 12-15) identification apparatus (Figs. 4, 9) comprising: an attachment (93-95), for fastening the identification apparatus to a user (Abstract, lines 1-3); an identification device (92), for providing identification information ([002]-[003]); and a disabling device (inside 92 or as part of the connected circuit), for permanently disabling the identification device after the apparatus is first removed from the user ([0057], lines 1-2; [0064], especially lines 30-46 regarding the permanent disabling features including physical circuit disconnection or destruction, as well as antenna detuning, and disabling via logical input; and Abstract, line 15 in

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conjunction with line 9 of [0070] and lines 24-30 of [0077] which specifies that such disabling can include erasing stored information) .

2) Regarding claim 2, Mosher, Jr. et al. met all of the claimed subject matter as in claim 1, including: the claimed wherein the attachment further comprises: a band of material for attaching the identification apparatus to a body part portion of a user (91 in Fig. 4).

3) Regarding claim 3, Mosher, Jr. et al. met all of the claimed subject matter as in claim 2, including: the claimed wherein the attachment further comprises: a band of material having a strip of adhesive on at least one end thereof, the adhesive being used to bond to an opposite end of the band when fastened to the body part of the user (fastener having conductive or non-conductive adhesive according to Fig. 4 and lines 22-32 of [0064] and lines 21-22 of [0051]; Fig. 36 and corresponding disclosure). ✎

4) Regarding claim 5, Mosher, Jr. et al. met all of the claimed subject matter as in claim 1, including the claimed wherein the identification device further comprises: a strip of material carrying the identification information in printed form (160 in Fig. 22).

5) Regarding claim 6, Mosher, Jr. et al. met all of the claimed subject matter as in claim 1, including the claimed wherein the identification device further comprises: a transponder circuit (RFID; 92) arranged to receive a wireless signal, and in response thereto, to emit a wireless signal representative of the identification information.

6) Regarding claim 8, Mosher, Jr. et al. met all of the claimed subject matter as in claim 6, including:

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--the claimed wherein the disabling device further comprises: a device for causing disablement of the transponder circuit upon removal of the apparatus from the user (lines 32-37 of [0064]).

7) Regarding claim 17, the claimed "method for operating a non-reusable identification apparatus comprising: attaching the identification apparatus to a user; providing identification information as part of the identification apparatus at least when initially attached to the user; and preventing the apparatus from providing the identification information one the apparatus is first removed from the user" is met by the consideration of claim 1 by Mosher, Jr. et al.

8) Regarding claim 18, Mosher, Jr. et al. met all of the claimed subject matter as in claim 17, including the claimed wherein the attaching step further comprises: attaching a band of material to a body part portion of a user (see consideration of claim 2 or Fig. 4).

9) Regarding claim 19, Mosher, Jr. et al. met all of the claimed subject matter as in claim 18, including:

--the claimed wherein the attaching step further comprises: attaching the band of material using a strip of adhesive formed on at least one end thereof, such that the adhesive bonds to an opposite end of the band when fastened to the body part of the user (see consideration of claim 3).

10) Regarding claim 21, Mosher, Jr. et al. met all of the claimed subject matter as in claim 17, plus the consideration of claim 5.

11) Regarding claim 22, Mosher, Jr. et al. met all of the claimed subject matter as in claim 17, plus the consideration of claim 6.

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12) Regarding claim 24, Mosher, Jr. et al. met all of the claimed subject matter as in claim 17, plus the consideration of claim 8.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mosher, Jr. et al. (US 2003/0173408A1) in view of Peterson et al. (US pat. #5,448,846).

1) Regarding claim 4, Mosher, Jr. et al. met all of the claimed subject matter as in claim 1, including:

a) the claimed wherein the attachment further comprises: a band of material having hole bonded in one end thereof and a mating part on another end thereof, the mating part arranged to pass through the hole and lock into a mating hole when attached to the body part of the user (Fig. 4);

except:

b) specifying the claimed said mating part is a barbed peg.

However, Peterson et al. teaches a wristband locking fastener using such known barbed peg (Figs. 1-6).

In view of the two teachings, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to use a known barbed peg type fastener as taught by

Peterson et al. as the fastener of choice in Mosher, Jr. et al. in order to provide a secured locking fastener as intended.

2) Regarding claim 20, Mosher, Jr. et al. met all of the claimed subject matter as in claim 18, plus the consideration of claim 4 in view of Peterson et al.

6. Claims 7, 9-16, 23 and 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mosher, Jr. et al. (US 2003/0173408A1) in view of Gustafson (US pat. #6,050,622).

1) Regarding claim 7, Mosher, Jr. et al. met all of the claimed subject matter as in claim 3, including:

a) the claimed wherein at least a portion of the identification device is located adjacent the adhesive material when the identification device is attached to the user, such that when the band is removed from the user by separating the adhesive bond, the identification device is in turn is disabled (Fig. 4 and [0064]), whereby identification device disablement by destruction through use of differential substrate stiffness via use of embedded fibers is also taught ([0063]);

while:

b) Gustafson teaches a tamper-resistant identification tag wherein at least a portion of the identification device is located adjacent the adhesive material when the identification device is attached to the user, such that when the band is removed from the user by separating the adhesive bond, the identification device is in turn at least partially destroyed by use of differential gluing (col. 4, lines 18-59).

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention that disablement of the identification device via at least partial destruction thereof in Mosher, Jr. et al. can also be implemented by use of differential gluing as taught by Gustafson.

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2) Regarding claim 9, Mosher, Jr. et al. met all of the claimed subject matter as in claim 8, plus the consideration of claim 7 in view of Gustafson, whereby:

--the claimed wherein the disabling device further comprises: a device for causing a break in electrical continuity of the components of the transponder circuit is met by tearing (breaking in electrical continuity) of the circuit components including the transponder circuit due to separation of the differentially glued band end portions.

3) Regarding claim 10, Mosher, Jr. et al. and Gustafson render obvious all of the claimed subject matter as in claim 9, including:

--the claimed wherein the identification device further comprises: an electrically conductive loop used as an antenna (Figs. 4a-4c of Gustafson).

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to use the tamper sensing conductive loop of Mosher, Jr. et al. as part of the antenna as taught by Gustafson when the antenna is of the loop antenna type so as to reduce the number of required circuit components thus achieving simplification.

4) Regarding claim 11, Mosher, Jr. et al. and Gustafson render obvious all of the claimed subject matter as in claim 10, including:

--the claimed wherein the disabling device serves to disconnect the transponder circuit from the antenna upon first removal of the apparatus from the user ([0064] of Mosher, Jr. et al. and Figs. 4a-4c of Gustafson).

5) Regarding claim 12, Mosher, Jr. et al. and Gustafson render obvious all of the claimed subject matter as in claim 10, including:

--the claimed wherein the disabling device serves to destroy at least a portion of the antenna (Fig. 4c and col. 5, lines 52-58 of Gustafson).

6) Regarding claim 13, Mosher, Jr. et al. and Gustafson render obvious all of the claimed subject matter as in claim 10, including:

--the claimed wherein the attachment further comprises a band of material which is fastened around a body part of a user, and an electrically conductive wire loop is disposed in the band of material (Fig. 4 of Mosher, Jr. et al. and Figs. 1 and 4a-4c of Gustafson).

7) Regarding claim 14, Mosher, Jr. et al. and Gustafson render obvious all of the claimed subject matter as in claim 13, including:

--the claimed wherein the disabling device causes a break in the wire loop when the band of material is broken (Fig. 4 of Mosher, Jr. et al. and Figs. 1 and 4a-4c of Gustafson and their corresponding disclosure).

8) Regarding claim 15, Mosher, Jr. et al. and Gustafson render obvious all of the claimed subject matter as in claim 14, including:

--the claimed wherein the band of material has one or more holes formed along a length thereof and the electrically conductive wire loop encircles the holes (Fig. 4 of Mosher, Jr. et al.).

9) Regarding claim 16, Mosher, Jr. et al. met all of the claimed subject matter as in claim 6, plus the consideration of claim 7 in view of Gustafson, including:

--the claimed wherein the attachment further comprises a band having a strip of adhesive material on at least one end thereof, the adhesive material being used to bond to an opposite end of the band when fastened around a portion of a body part of the user, and wherein at least a portion of the transponder circuit is located adjacent the adhesive material, such that when the

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band is removed from the user by separating the adhesive bond, the transponder circuit is at least in part destroyed (Fig. 4c of Gustafson).

10) Regarding claim 23, Mosher, Jr. et al. met all of the claimed subject matter as in claim 18, plus the consideration of claim 7 in view of Gustafson.

11) Regarding claim 25, Mosher, Jr. et al. met all of the claimed subject matter as in claim 24, plus the consideration of claim 9 in view of Gustafson.

12) Regarding claim 26, Mosher, Jr. et al. met all of the claimed subject matter as in claim 22, plus the consideration of claim 10 in view of Gustafson.

13) Regarding claim 27, Mosher, Jr. et al. and Gustafson render obvious all of the claimed subject matter as in claim 26, plus the consideration of claim 11.

14) Regarding claim 28, Mosher, Jr. et al. and Gustafson render obvious all of the claimed subject matter as in claim 26, plus the consideration of claim 12.

15) Regarding claim 29, Mosher, Jr. et al. and Gustafson render obvious all of the claimed subject matter as in claim 26, plus the consideration of claim 13.

16) Regarding claim 30, Mosher, Jr. et al. and Gustafson render obvious all of the claimed subject matter as in claim 29, plus the consideration of claim 14.

17) Regarding claim 31, Mosher, Jr. et al. and Gustafson render obvious all of the claimed subject matter as in claim 29, plus the consideration of claim 15.

18) Regarding claim 32, Mosher, Jr. et al. met all of the claimed subject matter as in claim 22, plus the consideration of claim 16 in view of Gustafson.

Conclusion

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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

LaDue, US 5,525,969

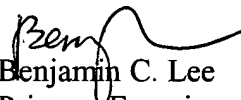
--A similar tamper proof identification strap.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin C. Lee whose telephone number is (571) 272-2963.

The examiner can normally be reached on Mon -Thur 11:00Am-7:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Benjamin C. Lee
Primary Examiner
Art Unit 2632

B.L.